IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

REVIEW APPLICATION ST.NO.4530 OF 2007

IN

FIRST APPEAL NO.890 OF 2005

Kallikali Parameshwaran Mohan : Appellant.

versus

The Director, Directorate of
Construction servife & Estate
Management, Department off
Atomic Energy & ors. : Respondents.

Mr.R.B.Jaiswal for the appellant.
Mr.Ravi Shetty with Mr.M.R.Prajapati for the respondent No.3 - Union of India.

CORAM : D.G.DESHPANDE

DATED : APRIL 24, 2007.

P.C. (IN CHAMBER).

1. This review application is filed by the original appellant who had filed First Appeal No.890 of 2005. When the appeal had come earlier

before me on 19th September 2005, the appeal was allowed to be withdrawn upon the statement of the advocate for the appellant with liberty to file writ petition. Thereafter the appellant filed Writ Petition No.7749 of 2005. It came before the Division Bench, comprising of Justice F.I.Rebello and Justice R.V.More and on 8th January 2007 an order came to be passed giving liberty to the appellant to move the Appellate Court for review of the judgment, i.e. order dated 19th September 2005, granting permission to to withdraw the petition and permitting him to prosecute the appeal.

2. I heard the learned advocate for the appellant and learned advocate for the Union of India. In view of the order of the Division Bench, this Review Application is allowed. The order dated 19th September 2005, allowing the appellant to withdraw the appeal, is set aside. Place the appeal before the Regular Court. So far as continuation of status quo is concerned, the learned advocate for the Union of India strongly contended that the possession of the premises has already been taken from the plaintiff/appellant and this fact should be taken

note by the Court and, therefore, this statement of the learned advocate for the Respondent No.3 - Union of India is recorded. Appeal may be placed before the Single Judge on 30th April 2007.

[D.G.DESHPANDE,J]